REMARKS/ARGUMENTS

Amendments to formulas in claim 10

Examiner noted that some species of formulas LLV-LVII include trivalent oxygen and tetravalent nitrogen. Accordingly, Claim 10 is amended so that one species of X and Y is nitrogen (instead of NR or NR') and one species of Z is oxygen (instead of OR or OR'). The amendment corrects the oversight pointed out by the Examiner so that nitrogen is trivalent and oxygen is divalent in accordance with basic chemical principles.

Claim Rejections – 35 USC §102

Claims 1-4, 10-11, 14 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Oldham, WO 00/03565. This application is being examined under 35 U.S.C. 102(e) prior to amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)), which states:

> A person shall be entitled to a patent unless –
>
> ...(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application for another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, ...

The Oldham, WO 00/03565 reference is not an issued U.S. Patent, but is an international application that did not designate the U.S. Therefore, the requirements under 35 U.S.C. 371(c), paragraphs (1), (2), and (4) were not fulfilled. Accordingly, Applicants respectfully traverse the rejection of claims 1-4, 10-11, 14 and 22-24 under pre-AIPA 35 U.S.C 102(e).

Applicants further note the Oldham, WO 00/03565 reference does not disclose the combination of a "tetrahedral junction unit, selected from the group consisting of tetraphenylsilane, an sp^3 hybridized silicon atom, tetraphenyladamantane, adamantane and cubane;" and four optoelectronic arms:

- "wherein each optoelectronic arm is a linear oligomer, polymer or copolymer," as in amended claim 1, or

- each optoelectonic arm corresponds to Formulas II-LXVI of amended claims 4, 10 and 11, wherein "n is an integer from 2-100," or

- each optoelectronic arm comprises "a stilbenoid chromophore" as in new claim 25.

Thus, the Oldham, WO 00/03565 reference does not anticipate claims 1-4, 10-11, and 22-24 (and 25) as amended in the present communication. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 10-11, 14 and 22-24 based on the Oldham, WO 00/03565 reference.

Claims 1-4 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Oldham et al., J. of the American Chemical Society, 1998, 120. According to the Examiner, the Oldham et al. reference discloses a tetrahedral array of four stilbenoid units coupled to a central sp3-hybridized carbon atom. However, the Oldham et al. reference does not teach or suggest a "tetrahedral junction unit, selected from the group consisting of tetraphenylsilane, an sp^3 hybridized silicon atom, tetraphenyladamantane, adamantane and cubane;" as in amended claim 1 (and new claim 25). Thus, the Oldham et al. reference does not anticipate claims 1-4, and 22-(and 25) as amended in the present communication. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 10-11, 14 and 22-24 based on the Oldham et al. reference.

Should there be any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Dated: November 5, 2003

Robert Berliner
Registration No. 20,121
213/892-9237

FULBRIGHT & JAWORSKI L.L.P.
865 South Figueroa Street, 29th Floor
Los Angeles, CA 90017-2576
FAX: 213/680-4518